

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil No: 1:04-mc-10107

In re: Buchanan Marine, LP :
PLAINTIFF :
v. :
Zenone, Inc. :
DEFENDANT :
:

May 18, 2004

MOTION TO REQUEST POST-JUDGMENT REMEDY

Pursuant to a default judgment entered by the Connecticut District Court on January 13, 2004, and registered with this Court on April 14, 2004, Plaintiff now moves to seek a post-judgment remedy against the Defendant, Zenone, Inc., and in support thereof, states as follows:

1. That judgment entered against the Defendant, Zenone, Inc. on January 13, 2004 in the Federal Court of the State of Connecticut.
2. That the default judgment was entered against the Defendant in the amount of \$74,749.03.
3. That the Defendant has not paid the amount of the judgment, and the appeal period has expired.

4. That in order to properly secure Plaintiff's judgment, the Plaintiff seeks to discover assets of the Defendant and examine the Defendant under oath to determine whether the Defendant has sufficient assets to satisfy the judgment amount.

5. That Plaintiff filed its Motion to Request Post Judgment Remedies in the Federal Court in the State of Connecticut on February 19, 2004.

6. An Order entered on March 15, 2004, requiring James Zenone, an officer of Zenone, Inc to appear on April 15, 2004 at the office of Eisenberg, Anderson, Michalik & Lynch, LLP to submit to an examination under oath and produce documents relating to the assets of the corporation.

7. On April 7, 2004, Plaintiff, through its counsel, sent James Zenone a certified letter requesting that he submit to the examination at the office of Saulino and Silvia, PC, located at 550 Locust St., Fall River, MA.

8. The Defendant's representative failed to appear on the scheduled date. See relevant portion of transcript attached hereto as Exhibit "A".

9. Plaintiff has since domesticated the Connecticut judgment in Massachusetts and requests that the Defendant submit to an examination and produce documents under service of a subpoena.

10. Plaintiff's judgment remains outstanding. It is therefore, necessary to examine James H. Zenone, an officer of the corporation.

WHEREFORE, the Applicant prays that the Court Order the judgment Debtor, James H. Zenone, officer of Zenone, Inc., to appear at the Law Offices of Saulino & Silvia, 550 Locust St., Fall River, MA on the 21st day of July, 2004 at 10:00 a.m. to submit to an examination under oath to produce the documents described in Exhibit "A".

Dated this 18th day of May, 2004.

BUCHANAN MARINE, LP

By: 

JoAnn C. Silvia
Eisenberg, Anderson, Michalik
& Lynch, LLP
136 West Main St., P. O. Box 2950
New Britain, CT 06050-2950
Telephone: (860) 229-4855
Fed. Bar CT No: 401416

CERTIFICATION

This is to certify that the foregoing was mailed, postage prepaid on this the 18th
day of May, 2004, to the Defendant's last known address:

Zenone, Inc.
120 Grove St.
Franklin, MA 02038

A handwritten signature in black ink, appearing to read "JoAnn C. Silvia", written over a horizontal line.

JoAnn C. Silvia
Fed. Bar CT # 401416

SUBPOENA DUCES TECUM
TO: ZENONE, INC.

SCHEDULE "A"

1. Federal Income Tax returns for tax years 2001, 2002 and 2003.
2. State Income Tax returns for tax years 2001, 2002 and 2003.
3. Joint venture/partnership returns for tax years 2001, 2002 and 2003.
4. All bank passbooks, both checking and savings accounts, including account numbers, in the corporation's name for 2001 to the present.
5. All bank statements in the corporation's name for 2001 to the present.
6. All financial records, financial statements and accountant's statements in the corporation's name for 2001 to the present.
7. All checks and check books and cancelled checks for 2001 to the present in the corporation's name.
8. All contracts for work presently under way or to be performed in the future.
9. All ledgers, billings and other writings which reflect any of the corporation's accounts receivable.
10. All titles to all motor vehicles in the corporation's name.
11. All stocks, bonds and securities in the corporation's name.
12. All deeds for all real property in the corporation's name.
13. All documents evidencing transfer or assets within the past three (3) years.

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR.

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DISTRICT OF CONNECTICUT

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PLAINTIFF

v.

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DEFENDANT

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ORDER

Upon the Motion of Buchanan Marine, LP, Creditor of the above named, it is

ORDERED:

That the Debtor, Zenone, Inc., by its officer, James H. Zenone, on the 21st day of July, 2004, at 10:00 a.m. to submit to an examination under oath.

Dated at Boston, MA, this the _____ day of _____, 2004.

United States Bankruptcy Judge